

# SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws  
By Attorney General Tom Miller -- July 2005

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## When Can Committees Gather in Private? *Decision-Making Authority is a Key!*

Governmental bodies often form committees as a means to carry out their statutory duties. Committees may carry some tasks to completion -- or they may take recommendations back to the full body. If the Open Meetings Law applies, committees cannot gather to deliberate or act in private, unless there are grounds to close a session. (See the March 2003 Sunshine Advisory -- "Are Advisory Bodies Subject to Iowa's Open Meetings Law?")

How can you tell if the Open Meetings Law applies to committees?

**Some committees may gather to deliberate or act without providing notice or a tentative agenda and without allowing public access, but only under limited circumstances.**

- Committees that make recommendations, but otherwise lack decision-making authority, are not subject to the Open Meetings Law (with narrow exceptions as explained below.)
- Certain advisory committees are subject to the Open Meetings Law because they are specifically included by statute, even though they lack decision-making authority. See Iowa Code sec. 21.2(1)(e)(advisory bodies created by the governor or by the general assembly are subject to the Open Meetings Law), and Iowa Code sec. 21.2(1)(h)(advisory bodies created by statute or by executive order are subject to the Open Meetings Law).
- Any committee that consists of a quorum of the full governmental body also triggers application of the Open Meetings Law, because a quorum of the governmental body has decision-making authority to act for the full body.

**Public officials should tread carefully when creating committees authorized to gather outside the public eye. Committees can serve a useful purpose, but governmental bodies should carefully consider whether a committee must comply with the Open Meetings Law.**

Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens' Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

"Sunshine Advisory" bulletins provide information on Iowa's public records and open meetings laws – our "Sunshine Laws." The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.

